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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
E0295.70155US00

First named inventor: Steven M. Blumenau

Application No: 09/748053-Conf. #4482

Art Unit: 2134

Filed: December 22, 2000

Examiner: T. M. Ho

Title: METHOD AND APPARATUS FOR PREVENTING UNAUTHORIZED ACCESS BY A
NETWORK DEVICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ Notice of Appeal _____ (identify type of reply):

- ☐ has been filed previously on _____ .
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____ .

- ☐ has been paid previously on _____ .
☐ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

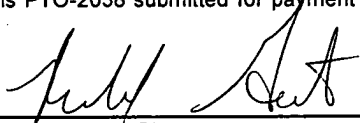
☐

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity
or \$ _____ for other than a small entity) disclaiming the required period of time
is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

1/20/06

Date

Richard F. Giunta

Typed or printed name

36,149

Registration Number, if applicable

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Address

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Telephone Number

Enclosures:

☒

Fee Payment

☒

Reply

☐

Terminal Disclaimer Form

☒

Additional sheets containing remarks establishing unintentional delay

☐

Other: _____

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Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated:

1/23/2006

Signature:

Patricia L. Marchetti

(Patricia L. Marchetti)



DOCKET NO.: E0295.70155US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven M. Blumenau et al.
Serial No.: 09/748,053
Confirmation No.: 4482
Filed: December 22, 2000
For: METHOD AND APPARATUS FOR PREVENTING
UNAUTHORIZED ACCESS BY A NETWORK DEVICE

Examiner: Ho, Thomas M.
Art Unit: 2134

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 23rd day of January, 2006.

Patricia L. Marchetti
Patricia L. Marchetti

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

Sir:

The above identified application was unintentionally abandoned following the expiration of the six month period following the Final Office Action mailed May 27, 2005. In response to the Final Office Action, Applicant filed an Amendment including arguments requesting withdrawal of the finality of the rejection. The Amendment was filed on July 27, 2005, which is within the two month period following the mailing of the Final Office Action. Accordingly, Applicant expected an Advisory Action from the Patent Office in response to this Amendment. The Advisory Action was never issued.

As a result, Applicant called the Examiner on October 27, 2005 to inquire about the status of the application. The Examiner orally indicated that Applicant's arguments were persuasive and that the finality of the rejection would be withdrawn. Applicant requested that

the Examiner send a written statement to this effect. A written statement was never issued. As the six month date approached, Applicant repeatedly attempted to contact the Examiner to inquire about the status of the application and to request that either a written statement declaring the withdrawal of finality and/or a new Office Action be issued. However, in each instance, Applicant was unable to reach the Examiner and the six month period ultimately expired.

After the six month date passed, Applicant was able to reach the Examiner. The Examiner acknowledged having agreed to withdraw the finality of the rejection, but apologized for not officially doing so. The Examiner stated that he was unable at to do so at present due to the expiration of the six month period, which resulted in the unintentional abandonment of the application.

Applicant encloses herein a Petition for Revival of an Application for Patent Abandoned Unintentionally, and respectfully requests that the Examiner withdraw the finality of the rejection as was orally agreed to on October 27, 2005, and re-open prosecution of this application.

Respectfully submitted,
Steven M. Blumenau et al., Applicant(s)

By:



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Docket No.: E0295.70155US00
Date: January 26, 2006